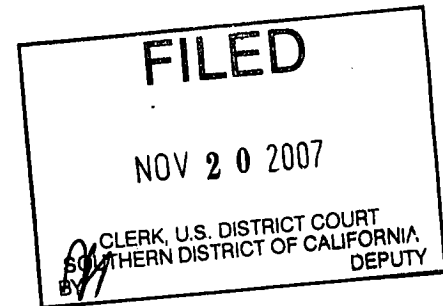


1 KAREN P. HEWITT
2 United States Attorney
3 CAROLINE P. HAN
4 Assistant U.S. Attorney
5 California State Bar No. 250301
6 Federal Office Building
7 880 Front Street, Room 6293
8 San Diego, California 92101-8893
9 Telephone: (619) 557-5220

10 Attorneys for Plaintiff
11 United States of America



12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 BENJAMIN GARCIA-MONTOYA (1),

18 Defendant.

Criminal Case No. 07-CR-3060-WQH

DECLARATION OF BENJAMIN
GARCIA-MONTOYA (D1)
EXONERATING
JORGE VALENZUELA-GUZMAN (D2)

19 DECLARATION

20 I, Benjamin Garcia-Montoya hereby declare as follows:

- 21 1. On or about October 11, 2007, I knowingly and intentionally drove a grey 2005 Chrysler
22 Cirrus bearing Baja California, Mexico license plate number #AHV6169, from Mexico into
23 the United States through the San Ysidro, California Port of Entry (POE).
- 24 2. At the time the vehicle described above entered the United States through the San Ysidro
25 POE, concealed within the vehicle was approximately 11.9 kilograms/26.34 pounds of
26 cocaine, a Schedule II controlled substance.
- 27 3. At the time I knowingly and intentionally was the driver of the vehicle described above,
28 which entered into the United States through the San Ysidro POE, I knew that the vehicle

1 contained approximately 11.9 kilograms/26.34 pounds of cocaine, or some other prohibited
2 drug.

3 4. At the time I knowingly and intentionally was the driver of the vehicle described above,
4 which entered into the United States through the San Ysidro POE, my co-defendant, Jorge
5 Valenzuela-Guzman, was a passenger in the vehicle. Jorge Valenzuela-Guzman had no
6 knowledge of the cocaine concealed within the vehicle.

7 5. I have informed the Government that I will plead guilty to a one count pre-indictment
8 Information charging me with knowingly and intentionally importing approximately 11.9
9 kilograms/26.34 pounds of cocaine, a Schedule II controlled substance, into the United
10 States from a place outside thereof, on or about October 11, 2007, within the Southern
11 District of California, in violation of 21 U.S.C. §§ 952 and 960.

12 6. If I do not plead guilty to the charge set forth above, for any reason, or thereafter withdraw
13 my guilty plea to that charge, I agree that in any proceeding, including, but not limited to,
14 motion hearings, trial, sentencing, appeal, or collateral attack, that the stipulated facts set
15 forth in paragraphs 1-5 shall be admitted as substantive evidence.

16 7. By signing this declaration, I certify that I have read it (or that it has been read to me in my
17 native language) and that I have discussed the terms of this declaration with defense
18 counsel and fully understand its meaning and effect.

19 I declare under penalty of perjury that the foregoing is true and correct.

20
21 Dated: 11-20-07

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BENJAMIN GARCIA-MONTOYA